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SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

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THRU	ACTION	EXREG SUSPENSE
D/DIR, D SECRETARIAT	☐ APPROVAL	
SUBJECT	☒ SIGNATURE	KCC SUSPENSE
(U//~~FOUO~~) Quarterly Report to the Intelligence Oversight Board on NSA Activities [redacted] FY05	☐ INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

SUMMARY

PURPOSE: (U//~~FOUO~~) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: (U//~~FOUO~~) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

RECOMMENDATION: (U) Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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(b)(3)-P.L. 86-36

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
GC	Robert L. Deitz 3/10/05	5548s	DC3	3/10	963-3200
AGC(O)		3121s			
IG	Joel F. Brenner	3544s			
D/IG		3544s			
AIG(IO)		3544s 3/2/2005			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	D11	963-2984	1 March 2005

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

1QFY05

14 March 2005

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 December 2004, were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER
Inspector General

for ROBERT L. DEITZ
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

MICHAEL V. HAYDEN
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encl:
Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSM 123-2
DATED: 24 FEB 98
DECLASSIFY ON: X1

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1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (EO), Attorney General procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. ~~(C)~~ As reported in the first quarter and amplified in the third quarter fiscal year 2004 (reports dated 17 March and 13 September 2004, respectively), an inquiry into the unintentional collection of U.S. person communications resulted in directed action to correct shortcomings in [redacted] (b)(3)-P.L. 86-36 [redacted] Three of the four recommended actions have been completed. [redacted] clearly defined roles and responsibilities [redacted] have been implemented. We will continue to track the remaining recommendation for [redacted]

2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EO, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons (USP); the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the FISA. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

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3. (U) SIGINT ACTIVITIES

a. ~~(S//SI)~~ Collection Against U.S. Persons

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(b)(3)-P.L. 86-36

(1) (U) Intentional

a. ~~(S//SI)~~ During this quarter, the Deputy Director of the National Security Agency (D/DIRNSA) granted approval for consensual collection against [ ] U.S. persons. DIRNSA-approved consensual collection against [ ] U.S. persons was routinely terminated this quarter.

b. ~~(S//SI)~~ The AG granted authority to collect the communications of [ ] U.S. persons during this quarter.

c. ~~(TS//SI)~~ [ ] requested and was granted emergency authorization by the NSA Deputy Director (D/DIRNSA) to target a U.S. person -- a known associate of [ ] who was involved with terrorist activities in [ ] began emergency collection for the authorized 72 hours, while the NSA/OGC requested and received U.S. Attorney General authority for up to 90 days of collection. [ ] and all collection and targeting of this individual ceased.

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(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(2) (U) Unintentional

a. ~~(S//SI//NF)~~ This quarter, unintentional retrievals using the [ ] raw traffic files resulted in [ ] incidents against U.S. persons overseas. All of the incidents were reported to responsible oversight officials and corrective actions were taken. All unauthorized traffic collected has been destroyed.

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b. ~~(TS//SI//OC, NF)~~ [ ] a [ ] analyst reviewing raw traffic suspected and then confirmed [ ] belonged to a U.S. person. The office providing the intelligence was notified, and instructed to detask any selectors for this individual. All related reports were cancelled and reissued after minimization, and all hard and softcopy documents pertaining to the individual were purged and/or destroyed.

c. ~~(S//SI)~~ The Inspector General is conducting an inquiry into the circumstances that led to the collection of U.S. person communications after the expiration of the Attorney General's authorization [ ]

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They were detasked immediately.

d. ~~(S//SI)~~ a analyst learned that the the United States on the afternoon/evening of While reviewing intercept from other entities on the analyst in the United States and detasked the analyst discovered pieces of traffic that had been intercepted after arrival. The analyst deleted all the intercept upon recognition and reported the incident to the appropriate parties.

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(b)(3)-50 USC 3024(i)

b. (U//~~FOUO~~) Dissemination of U.S. Identities

(1) (U) Intentional

(S//SI) In accordance with section 7 of USSID 18, U.S. identities were disseminated times during this quarter. The following table shows the justification and the number of instances of dissemination: In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the "Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official			
TOTAL			

(b)(1)
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(2) (U) Unintentional

a. ~~(S//SI)~~ During this quarter the Signals Intelligence Directorate (SID) cancelled SIGINT products because they contained the identities of U.S. persons,

(b)(1)
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organizations, or entities; those products that contained information derived from communications of U.S. persons were not reissued.

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b. ~~(TS//SI)~~ released a total of reports containing the identities of U.S. persons or based on the communications of persons later identified as U.S. persons. In all instances, cancelled the reports, which were either not reissued or were reissued with the proper minimization.

(3) (U) Raw Traffic Dissemination Outside the SIGINT Production Chain

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~~(S//SI)~~

The SID ensures that the personnel are trained by the OGC on NSA's legal restrictions and on proper handling and dissemination of SIGINT data Personnel working in or with SID during this quarter included representatives of

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4. (U) Other Activities

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

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a. (U//~~FOUO~~) FISA Incidents

~~(TS//SI//OC, NF)~~ Unintentional collection of targets in the following the expiration of the FISA court order The collection was detasked from the However,

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FLP EMAIL

The collected information was purged from the system and

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

b. (U) Assistance to Law Enforcement

~~(S//SI)~~ During this quarter, the SID responded to [redacted] requests for technical assistance from law enforcement or other government agencies, including requests from [redacted] Assistance included technical and analytic support. (b)(1) (b)(3)-P.L. 86-36

c. (U) Working Aids

(U~~//FOUO~~) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of blanket reporting waivers on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID 18 are also available on-line.